

Minutes of Special and Regular Meeting of February 10, 2015

One Twin Pines Lane, City Hall and

Courtyard Orlando Lake Buena Vista, 8623 Vineland Avenue , Orlando, FL 32821

(Teleconference Location of Councilmember Lieberman)

SPECIAL MEETING (Study Session)

CALL TO ORDER 6:20 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Wright (arr. 6:50 p.m.), Reed, Stone, Lieberman (arr. 6:35 p.m.), Braunstein

COUNCILMEMBERS ABSENT: None

STUDY SESSION

Silicon Valley Clean Water (SVCW) Update

Dan Child, SVCW General Manager, provided an overview of the multi-year Capital Improvement Project (CIP) to upgrade the sewage treatment facility. He provided an update on the status of the project. He noted that current projects will be winding down until the next phase. He outlined upcoming projects, including ways to address food waste, which should result in savings to the District.

(At this time, being 6:35 p.m. Councilmember Lieberman joined the meeting via Skype.)

Councilmember Stone expressed support for finding ways to use non-potable water rather than dumping it into the bay.

(At this time, being 6:50 p.m. Councilmember Wright arrived on the dais.)

Perry Kennan, Belmont resident, commented regarding the wording of the agenda item for tonight's discussion. He commented regarding future capital needs for the sewer system and the potential impact on ratepayers.

Kristin Mercer, Belmont resident, requested additional information regarding potential cost increases and the impact on ratepayers. She suggested providing an accounting of how much has been spent and how much is remaining on the project.

Mr. Child clarified that projects are funded through 2018.

Councilmember Lieberman pointed out that SVCW is cautious about its spending.

ADJOURNMENT at this time, being 7:10 p.m.

Terri Cook
City Clerk

REGULAR MEETING

CALL TO ORDER 7:20 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Wright, Reed, Stone, Lieberman (via Skype), Braunstein

COUNCILMEMBERS ABSENT: None

PLEDGE OF ALLEGIANCE

Led by Denny Lawhern, President, Belmont Historical Society

SPECIAL PRESENTATIONS

Update from the Belmont Historical Society

Belmont Historical Society President Denny Lawhern provided an update on activities of the Society, included expanded hours for visitors. He outlined partnership with city staff on updating the website and other technology.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

Kathleen Beasley, Belmont Library Manager, introduced new library staff who outlined new programs and events.

John Violet, Belmont resident, noted the recent passing of former Councilmember and Mayor Joe Green, as well as former Parks and Recreation Commissioner Mike McQueen. He requested that tonight's meeting be adjourned in their memory.

Nolan Welch, Star Energy Partners Solar, requested that the City of Belmont adopt the Hero Program which provides energy efficiency solutions.

COUNCILMEMBER ANNOUNCEMENTS

Mayor Braunstein noted that tonight's meeting will be adjourned in memory of former Councilmember and Mayor Joe Green, as well as former Parks and Recreation Commissioner Mike McQueen.

Mayor Braunstein announced that Carlmont High School was the winner of the recent Millard Fillmore Trivia Hunt.

ITEMS APPROVED ON CONSENT CALENDAR

Minutes of Regular Meeting of January 13, 2015

Resolution 2015-010 authorizing the City Manager to award a fuel purchasing contract to Valley Oil Company for a contract period of three years

Resolution 2015-011 approving plans and specifications, authorizing advertisement for sealed bids, authorizing the City Manager to execute a contract with the lowest responsible bidder for an amount not to exceed \$766,550, and approving a ten percent construction contingency for the 2015 Sewer and Storm Drain Improvement Project, City Contract Number 2015-530

Resolution 2015-012 authorizing a task order with Ghirardelli Associates for on-call construction engineering and inspection services in an amount of \$96,000 and a 10% contingency.

Resolution 2015-013 authorizing the procurement of Housing and Economic Development

services from Diana R. Elrod on an interim basis from March through September 2015. Resolution 2015-014 authorizing the 2015-2016 maintenance and support charge For the Police Department Live Scan Fingerprint System to Morphotrust USA in an amount not to exceed \$5,700

ACTION: On a motion by Councilmember Stone, seconded by Councilmember Reed, the Consent Agenda was unanimously approved.

PUBLIC HEARINGS

Appeal of Planning Commission Denial of Project Application No. 2013-0026 – AT&T Wireless Facility in Public Right-Of-Way Adjacent to 1999 Notre Dame Avenue

Councilmembers disclosed ex parte communications, including site visits.

Management Analyst Rose described the project which updates the existing wireless facility in the public right-of-way. She noted that upgrades to the existing pole were denied by the Planning Commission and subsequently appealed. She explained that AT&T requested a stay of the appeal in order to provide a redesign, which led to the second public hearing item on tonight's agenda. She provided details of the proposed upgrade to the facility. She described the FCC (Federal Communications Commission) regulations regarding wireless facilities.

City Attorney Rennie further described the FCC rules and limits on municipalities regulating wireless communication facilities. He outlined the interpretation of substantial change with regard to new legislation. He summarized the Planning Commission's reasons for denying the proposed changes.

Mark Peters, AT&T Cingular, provided some background on the proposed changes following approval of the original CUP in 2006. He outlined changes that AT&T was willing to make based on staff and community input. He noted that some of the equipment would change based on new technology should this project be approved. He cited the growing trend of customers who are discontinuing the use of land lines and relying solely on wireless communication. He confirmed that modifications were made to the pole without permit following the original 2006 Conditional Use Permit (CUP) approval.

Mayor Braunstein opened the Public Hearing.

Susan Wright, Belmont resident, stated that in 2009, residents suggested the city develop a wireless ordinance. She described Joint Venture Silicon Valley's (JVSV) partnership with helping cities regarding this technology. She recommended upholding the Planning Commission's decision and to form an advisory committee to develop a comprehensive ordinance.

Joel Sarch, Belmont resident, expressed concerns re proliferation of poles. He cited the need for a plan that all companies are able to follow.

Tom Watson, Belmont resident, stated that he is not in favor of either proposal. He concurred with previous speakers. He recommended relocating the facility to the water tower. He expressed concerns regarding property values.

Robert Miller, Belmont resident, commented regarding AT&T's previous modifications without permits. He noted that the existing pole is out of compliance.

Walter Frederickson, Belmont resident, described the growth of equipment on the pole over the years.

David King, Belmont resident, recommended restoring the equipment to what was approved in 2006.

Charles Merian, Belmont resident, outlined the FCC regulations outlining wireless facilities. He noted that the proposed tower infringes on residents' enjoyment of their properties and has never met the legal burden provided for in the law.

Birgit Merian, Belmont resident, noted that the existing tower is out of compliance, which does not obligate the city to approve the project. She suggested exploring alternatives.

Pat pointed out that other wireless facilities in Belmont are not located in residential neighborhoods. He stated that AT&T has outgrown the current pole and does not meet the CUP criteria.

Tran, Belmont resident, stated that the location is not suitable for current needs, and that AT&T needs to consider another location. She recommended not rewarding AT&T for unpermitted modifications.

George Kranen, Belmont resident, suggested changes in paint color of the pole if the application is approved. He recommended approving the location due to the ability to get cell service.

Judi Allen, Belmont resident, commented regarding noticing procedures for tonight's meeting, and requested a copy of the Planning Commission resolution of denial. She concurred regarding connecting with Joint Venture Silicon Valley.

Perry Kennan, Belmont resident, commented regarding the approval process. He pointed out that the existing pole is not in keeping with Belmont's character.

Robert Farrington, Belmont resident, stated that AT&T declined to consider other options than the existing pole. He commented regarding the lack of aesthetics on the existing pole and the effect on property values.

Mayor Braunstein closed the Public Hearing.

City Attorney Rennie clarified that neither radiation (RF) emissions nor aesthetics cannot be a consideration in the approval process. He pointed out that the City Council needs to work under the existing ordinance governing telecommunications, and cannot require the company to relocate.

Discussion ensued regarding the approval process for the original pole and equipment, and options available to the applicant if the project is denied, including how the new federal regulations apply. City Attorney Rennie described conditions that could be placed on the application if the existing application is approved.

Discussion ensued with the applicant regarding modifications to improve aesthetics.

Mr. Peters, AT&T representative, stated that AT&T will not accept a cap on equipment in order to provide for future needs. He clarified that it would abide by federal law, including upcoming federal law.

Councilmember Stone expressed his disappointment with the 2006 approval and with the vendor. He noted that the City Council has very little flexibility regarding the current facility. He expressed support for pursuing the JVSV partnership for future applications. He stated he can make the findings to approve the proposed resolution.

Councilmember Reed expressed concern regarding how the pole was originally installed. He commented regarding limits on the City's ability to regulate due to state and federal regulations. He stated that the project does not meet zoning standards and is not compatible for the neighborhood.

Councilmember Wright stated that the City Council has very few options due to regulations. She pointed out that if the pole is removed, cell coverage would be compromised. She expressed support for enhancing the visual appearance of the pole. She expressed support for exploring the JVSV partnership. She noted she can make the findings.

Councilmember Lieberman expressed support for future discussions regarding future cell installations. He suggested aesthetic modifications to minimize visual impact.

Mayor Braunstein stated that citizens want cell and data coverage, and the City wants a good business to work with. He cited the need for good customer service. He stated he can make the findings. He also expressed support for future discussion regarding wireless communication facilities.

ACTION: On a motion by Councilmember Stone, seconded by Councilmember Wright, Resolution 2015-015 overturning the Planning Commission's denial, and approving Conditional Use Permit and Design Review requests to modify an existing wireless facility located in the public right-of-way adjacent to 1999 Notre Dame Avenue, Planning Application No. 2013-0026 was approved (4-1, Reed no).

Appeal of Planning Commission Denial of Project Application No. 2014-0010 – AT&T Wireless Facility in Public Right-Of-Way Adjacent to 1999 Notre Dame Avenue and Residential Property at 1920 Notre Dame Avenue

Mark Peters from AT&T noted that in light of the previous decision, AT&T would withdraw this appeal.

RECESS: 9:55 P.M.
RECONVENE: 10:05 P.M.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Stone provided an update on his intergovernmental assignments and his participation in the San Mateo County mock trial program. He described an ongoing effort of nearby cities to participate in Community Choice Aggregation for energy. He suggested that the City Council adopt a resolution of support.

Council concurred to support a resolution on a future agenda.

Councilmembers Reed, Wright, and Mayor Braunstein provided updates on their intergovernmental assignments.

Verbal report from City Manager

City Manager Scoles stated that the second General Plan community newsletter would be forthcoming. He provided an update on recent storm damage. He outlined some updates with the fire department, including recent promotions and a badge-pinning ceremony.

CONTINUATION OF PUBLIC COMMENTS

Perry Kennan, Belmont resident, suggested that Belmont change its policy regarding the public's use of the computer for overhead projections. He commented regarding the City Council's earlier action on the AT&T matter and the application that was withdrawn.

ADJOURNMENT at this time, being 10:25 p.m. in memory of former Councilmember and Mayor Joe Green, as well as former Parks and Recreation Commissioner Mike McQueen

Terri Cook
City Clerk

Meeting televised and audiotaped.